

ORDINANCE NO. 47-018

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF 29TH STREET NORTH FROM MAIZE TO 119TH STREET WEST IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of 29th Street North from Maize to 119th Street West in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A tract lying within the NE1/4 of Section 6, Township 27 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas described as commencing at the NE corner thereof; thence N90°00'00"W, along the north line of said NE1/4, 330.00 feet; thence S01°10'50"W, 30.01 feet to the point of beginning; thence continue S01°10'50"W, 39.02 feet; thence N81°28'19"W, 60.74 feet; thence N90°00'00"W, parallel with the north line of said NE1/4, 1260.18 feet; thence N01°10'17"E", 30.01 feet; thence S90°00'00"E, 1320.36 feet to the point of beginning.

A Tract lying within the SE1/4 of the SE1/4 of Section 31, Township 26 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas described as the West 264.40 feet of the South 330.00 feet thereof.

A Tract lying within the SE1/4 of the SE1/4 of Section 31, Township 26 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas described as commencing at the SE corner thereof thence N90°00'00"W along the south line of said SE1/4, 40.00 feet; thence N00°15'48"E parallel with the east line of said SE1/4, 30.00 feet to the point of beginning; thence N90°00'00"W parallel with the south line of said SE1/4, 1030.01 feet more or less to a point 264.40 feet east of the west line of said SE1/4, of the SE1/4, 30.00 feet; thence S90°00'00"E parallel with the south line of said SE1/4, 680.06 feet; thence N81°28'09"E, 101.12 feet; thence S90°00'00"E, parallel

with the south line of said SE1/4, 225.00 feet; thence N45°07'17"E, to a point 40.00 feet west of the east line of said SE1/4, 35.47 feet; thence S00°15'48"W, parallel with the east line of said SE1/4, 70.03 feet to the point of beginning.

And temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

A tract lying within the NE1/4 of Section 6, Township 27 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas described as commencing at the NE corner thereof; thence N90°00'00"W, along the north line of said NE1/4, 330.00 feet; thence S01°10'50"W, 69.03 feet to the point of beginning; thence N81°28'19"W, 60.74 feet; thence N90°00'00"W, parallel with the north line of said NE1/4, 1260.18 feet; thence S01°10'17"W, 10.00 feet; thence S90°00'00"E, 1259.56 feet; thence S81°28'19"E, 61.28 feet; thence N01°10'50"E, 10.08 feet to the point of beginning.

A 20.00 foot wide temporary easement lying north of, and abutting the following described tract of land: A Tract lying within the SE1/4 of the SE1/4 of Section 31, Township 26 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas described as commencing at the SE corner thereof thence N90°00'00"W along the south line of said SE1/4, 40.00 feet; thence N00°15'48"E parallel with the east line of said SE1/4, 30.00 feet to the point of beginning; thence N90°00'00"W parallel with the south line of said SE1/4, 1030.01 feet more or less to a point 264.40 feet east of the west line of said SE1/4, of the SE1/4, 30.00 feet; thence S90°00'00"E parallel with the south line of said SE1/4, 680.06 feet; thence N81°28'09"E, 101.12 feet; thence S90°00'00"E, parallel with the south line of said SE1/4, 225.00 feet; thence N45°07'17"E, a distance of 35.47 feet, to a point 40.00 feet west of the east line of said SE1/4, thence S00°15'48"W, parallel with the east line of said SE1/4, 70.03 feet to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 2nd day of May, 2006.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law